FOUR GRAND

QUESTIONS PROPOSED,

And Briefly

ANSWERED.

Wherein is Diſcourſed,

The Authority and Duty of the Magiſtrate in the Matters of *RELIGION.*

The Unlawfulneſs of a Toleration and General Liberty of Conſcience.

The Divine Right of Chriſtian Liberty in Things Indifferent.

The Unlawfulneſs of Repealing the Laws againſt *Popery* and *Idolatry.*

LONDON,
Printed in the YEAR, 1689.

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The PREFACE.

IT cannot but be generally understood, what an abundance of Heats and Animosities have been raised in the Nation, about a Toleration, Liberty of Conscience, and Repealing the Laws about Religion, which have been pleaded for by many, whether with greater vehemency, or with greater absurdity, is hard to say; for the Lawfulness of it hath rather been supposed than proved by any: For whilst they have been considering how to secure a Toleration, and Repeal the Laws that establish Religion, they never considered, Whether it could be consistent with the Office and Duty of the Christian Magistracy, to do either one or the other. Tho' such a Toleration and Repealing the Laws doth carry in it nothing less, than an Exemption from the Obligation of all Humane Laws in the Matters of Religion; which must necessarily suppose no Authority nor Duty incumbent on the Christian Magistracy, to take Care for True Religion and the Worship of God; which, if that could be proved, would be indeed the strongest Arguments of all for a Toleration and Repealing the Laws; and unless that could be proved, whatever Arguments else may be brought for it, from other Respects and Considerations, they are of no Force, if this be taken for granted, That 'tis against the Duty incumbent on the Government by the Law of God to do it. And tho' there are indeed weighty Arguments against such a Toleration and Repealing the Laws, drawn from the ill Effects, Means & Ends of it; yet this Argument seems to be most cogent, and of greatest force, that is drawn from the fundamental and principal Cause why 'tis Unlawful, namely, Being against the Office and Duty of the Christian Magistracy.

...on this Principle therefore I have always been perswaded, ...t not only a general Toleration, but Repealing the Laws, was ...orally Unlawful, unless better Laws could be made by the Government *to Secure Religion; which no man of Sense can think, unless such Laws have also a* Penalty; *for, What Force or Obligation can Laws have to this End, without a* Penalty?

I have therefore in this little Treatise, under the following Questions, (as compendiously as possible) proved the Magistrate's Office and Duty about Religion, *to be Moral and Perpetual, and not belonging to the Old Testament Administration; only from this, as a Principle, I have argued the Unlawfulness of a general* Toleration, *and of such a* Liberty of Conscience *as is opposed to all Humane Authority and Laws in the matters of Religion; yet nevertheless, lest any should hence conclude, That a Humane Authority can impose Laws on the Church, in things of Religion not necessary, or commanded by the Word of* God; *I have proved the Divine Right of* Christian Liberty *in things Indifferent, especially if the same Indifferences be matter of Doubt or Scandal; and, That the practice of such a Liberty in Religion in things Indifferent, tho' restrained by Laws, is no matter of* Scandal *given, nor any Assent to a general Toleration, or the* Dispensing Power: *And in the last place I have proved the Unlawfulness of Repealing the Laws against* Popery *and* Idolatry, *and Answered the most specious Pretences alledged for it.*

If that which is here briefly discoursed may obtain its designed end, to set the Judgments of some men right, in those great and weighty points, the Author will have his end in exposing the same to publick view, which was first composed for his own satisfaction.

Now to the King-Eternal, Immortal, Invisible, the only Wise God, be Honour and Glory for ever and ever *Amen.*

Four Grand QUESTIONS propoſed, and Briefly Anſwered;

(*VIZ.*)

I. *Whether it be the Duty of Magiſtrates under the Goſpel, to promote and preſerve by Laws the True* Chriſtian Religion.

II. *Whether it be lawful for the Chriſtian Magiſtrate to give a general Toleration of All Religions; or, what Liberty in Religion he ought to Allow.*

III. *Whether it be lawful for Subjects to give their Actual Conſent to a general Toleration.*

IV. *Whether it be lawful for Subjects to Conſent to the Repealing theſe Laws, that Eſtabliſh and Preſerve the True Religion.*

Of Theſe in Order.

I. *Whether it be the Duty of Magiſtrates under the Goſpel, to promote and preſerve by Laws the True Chriſtian Religion.*

BUt before we proceed, it will be neceſſary to lay down, by way of Suppoſition, what we underſtand by *Magiſtrates*, and what by the *True Chriſtian Religion*.

But here we ſhall not meddle with the divers Forms of Lawful Government, but reſt ſatisfied, that our own form of Government is either Beſt in it ſelf conſidered, or at leaſt Beſt for us.

By *Magistrates* therefore we understand chiefly the Supreme Legislative Power of a Nation, or of a Body politick, not excluding Subordinate Magistrates also within their respective limits.

By the *True Christian Religion*, we understand the *Protestant Religion*, in those essential matters of Protestant Faith, Worship, and Discipline, wherein it is truly such.

Now, that the Office of Magistracy is founded, both in the Law of Nature, the Moral Law, and also is of a Divine Institution, by the positive Command of God, I take for a granted Truth, and will be denyed but by few: All the Question then before us is, About the Extent of the Magistrates Power: Some will have it now *under the Gospel*, to respect only Civil Matters and Moral Justice between Men, but that he hath no Authority in the Institutions of Reveal'd Religion under the Gospel. Hence it would follow, that he is not oblig'd to maintain by Laws the Gospel-Institutions. But the Affirmative is that which I undertake to make good, and that by the following Arguments.

1. From the Efficient Cause
2. From the Formal Cause } of Magistracy.
3. From the Final Cause or End
4. From Scripture-Precept, and Precedent.

1. *That 'tis the Duty of Magistrates to promote and preserve by Laws the True Christian Religion*, will appear from the consideration of the Efficient Cause of Magistracy, which is no other than God himself. Now God may be said to be the Cause, and so the Author, of Magistracy, in a threefold respect, *viz.* By his Law Natural, Moral, and Positive.

1. By his Law Natural, implanted and written in the Heart of Man, by which Mankind is enabled to know and understand both the reasonableness, necessity, and utility of Political Government, in order to promote and preserve the good of Societies.

2. By his Law Moral, thus the Fifth Commandment establisheth the Relation, and enjoineth the Duties between political Fathers and Subjects, as well as between natural Parents and their Children.

3. God is also the Cause of Magistracy, by his positive Ordinance and Appointment: Thus he appointed Magistrates, both Ordinary and Extraordinary, under the Old Testament: And we find also

also the Office and Power of Magistracy ratified and confirmed by the New Testament, *under the Gospel*; the Apostle tells us, That all Powers are of God, and that not only by his providential Allowance and Toleration, but by his special Assignation and Appointment; therefore said to be ordained of God, *Rom.* 13. 1, 2. & therefore the Magistrate is said to be the Minister of God, *ver.* 4. Hence we find that all that Justice which the Magistrate executeth, is called the Justice of God, 2 *Chron.* 19. 6. They are also called *Gods*, *Psal.* 82. 1, 6. because they are God's Deputies and Vice-gerents, representing his Presence and his Power in the World.

Now it cannot reasonably be supposed, that God would thus delegate his Power and Authority in the World to Magistrates, and so signally dignifie and authorise them, but in order to some special Service they are to do for God in the World: And 'tis most reasonable, and morally just, that the Magistrate having his Power and Authority from God, he should imploy it best for his Service in the World, which he cannot do, but by promoting and maintaining True Religion.

Secondly, This will further appear from the consideration of the formal Cause of Magistracy, to wit, The *Laws*; for 'tis the *Law* that giveth Form and Being to the Magistrate, and is the life and soul of Government. Hence are those Axioms, *Lex facit Regem*,--- *Rex nihil potest, nisi quod jure potest.* Now Laws do originally derive all their force from Religion, because the Moral Law of God is the Supream Law of all Nations, and therefore the Ground and Rule of all Humane Laws; which Law of God, we see, doth in the first place take care for Religion and the Worship of God, as the bottom and ground of all Duties of Moral Justice between men. Our Saviour tells us, That the first and great Commandment of the Law is, to *love the Lord our God with all our heart, soul, strength, and mind*, *Luk.* 10. 27. which doth indeed include and prescribe the most exact way of Religion and Holiness that can be.

Now this Divine Law being both the Foundation and Directory of all other Laws, it must therefore follow, That all Humane Laws by which Magistrates ought to Govern, should in the first place provide for True Religion and the Worship of God; for the Moral Law of God being the Supream Law, and Rule of Life for all Mankind, is therefore the Rule of all Laws and Government, and all Humane Laws, that have the true nature of Laws, are grounded on

it, or reducible to it, or elſe theyare but Tyrannical Impoſitions. Hence it is that the political Laws of Nations are ſaid to have a kind of Sacredneſs in them, which is to be underſtood when they are founded(as they ought to be)on thePrinciples of the Law of God,& their Agreement thereunto giveth Force and Obligation to them; for the Obligation of Laws ariſeth from the good End they tend unto, and are uſeful for, in conjunction with the lawful Authority that impoſeth them.

So that now the Law of God, being the Rule of humane Laws, whereunto they ought to correſpond in all the precepts thereof reſpectively; it follows therefore, that the Laws of Magiſtrates, in conformity to the Law of God, which, we ſee, giveth the preference to firſt Table-Duties, ought alſo in the firſt place to provide for the Exerciſe of True Religion, and the Worſhip of God, as the ground of all other Laws that reſpect Moral Juſtice amongſt men.

Thirdly, From the final Cauſe or End of Magiſtracy, which is threefold;

1. The Glory of GOD.
2. The Good of Societies.
3. The Good of the Church.

Firſt, The Glory of God; which as it is the chief and ultimate end of Man, ſo of all God's Ordinances and Inſtitutions, for the ſake and good of Mankind, that in and by them the glory of God may be advanced: God then being the efficient Cauſe of Magiſtracy, it therefore follows, that his Glory muſt be the principal End: now 'tis the proper End and Uſe of Religion, to give glory to God; and without the practice of true Religion, the Divine Perfections are not actually adored and advanced. If then the end of Magiſtracy be to advance and ſet up the glory of God in the World, he ought to ſet up and maintain True Religion, as the greateſt Glory can be brought to God in this World.

Secondly, The good of Societies is the ſubordinate End of Magiſtracy; for as the Fundamental Humane Cauſes of Government is the Neceſſity of it for the Publick Good, ſo the End of Magiſtracy in that reſpect, is, that the Temporal Good and Tranquillity of Societies may be promoted and preſerved.

Now

Now, if there were no higher Causes and Ends of Magistracy than this, (as we have already, and shall further prove there is) yet nevertheless, it would be the Duty of Magistrates to take care for Religion, because 'tis very certain, that True Religion doth best of all conduce to the Temporal good of Societies: This is plain not only from the Scriptures, that assure us, that *Godliness is profitable unto all things*, 1 *Tim.* 4. 8. but also from the reason and experience of Mankind. Therefore we see, that even in those Nations that were void of the knowledge of True Religion, yet those that were Legislators and Governours amongst them, alwaies with their Laws mixed some Precepts of Religion and Opinion of God, some pretending they received their Laws from God himself. Whereby we see that they thought, that Laws and Government could not stand without something of Religion; which tho' their religious Precepts were superstitious and idolatrous, in the want of Divine Revelation, yet nevertheless it thence appears, That the Law of Nature taught them not only the necessity and obligation of Government and Laws, but also that the sence of Religion was the most necessary Foundation of it.

And then it will follow, that if any thing of Religion be necessary for the temporal good of Governments, that the True Religion is then best of all, and most necessary, that being the Spring and Fountain of all Virtues, from whence is to be drawn, not only the best Directions for, but the strongest Motives and Engagements unto all those Duties of Moral Justice and Charity amongst men, which are so absolutely necessary, even to the temporal good of Societies. It would be easie to demonstrate, that True Religion is certainly the best Foundation of all Political Government, and of the Execution of Laws, the Obedience of Subjects, and of the Exercise of that Justice and Charity between men, which only can render the life of man peaceable and happy in this World. If then the End of Magistracy and Civil Government were only for the temporal good of Societies, yet it would follow, that 'tis the Duty of Magistrates, to advance and maintain True Religion, because it chiefly conduceth, and is so necessary to this End.

Thirdly, and lastly, The Special End of Magistracy is for the good of the Church, and that because Magistracy is not a meer natural and humane Policy, but an Ordinance of God, still remaining such now under the Gospel, *Rom.* 13. 1.

Now

Now 'tis certain, that all the Ordinances and Institutions of God, both Moral and Evangelical, do now in ſpecial belong to the Goſpel-Church; for whatever Advantages any of the Heathen World do receive at any time by any of Gods Ordinances and Institutions, (as particularly by this of Magiſtracy) 'tis but for the ſake of the Church, as the Dogs eat of the Childrens Crumbs; For 'tis to be noted, That as the Scriptures themſelves, ſo alſo all the Precepts, Promiſes, Rights, Priviledges, & Ordinances, granted and confirmed thereby, or contained therein, belongs primarily and eſpecially to the Church of God. So that Magiſtracy then being an Ordinance of God, and having its Foundation in the Law and Word of God, it muſt follow, that the End of Magiſtracy is eſpecially for the ſake and good of the Church, and not only for the World.

As for that lawful Magiſtracy that may be found in Heathen Nations, or without the Viſible Church, the Power is truly ſaid to be from God, becauſe the Office of Magiſtracy is founded on his Law and Ordinance; but the Execution of this Power hath been and is in moſt Nations wickedly abuſed, and perverted from the proper and ſpecial Ends of it, appointed of God, to ſerve the Ambition, Tyranny, and Luſts of men; the ground and occaſion of which proceeds from the ſame common Original with all other Immoralities in the life of man, to wit, the defection of mankind from God, and the depravity of the Humane Nature by Sin. But as 'tis therefore no wonder, that the Ends of Magiſtracy are perverted, eſpecially in thoſe Nations that have forſaken God and fallen to Idolatry; ſo 'tis no Argument, that Magiſtracy is only for the world, as ſome ſuppoſe, and not eſpecially for the good of the Church.

Thus we find, that to this end was Magiſtracy appointed by God under the Old Teſtament, but while the Church of God, in the firſt Ages of the world, was but in ſmall Families, & ſometime only in one Family; their Civil Government cannot ſo properly be called Political, belonging to a State or Common-wealth, as Oeconomical, or the government of a Family: Yet we find, that then the care of Religion did belong to the Lord or Governour of the Family. And indeed, all lawful Government whatſoever being from *GOD*, doth carry in it an Obligation to the Care of Religion, for thoſe under their power. Thus *God* ſaith of *Abraham*, *Gen.* 18. 19. *I know him, that he will command his Children and his Houſhold after him, and they ſhall keep the way of the Lord.*

But

But when the Visible Church of God, to wit, the *Israelites*, was multiplied into a Body of People, and set at liberty, from the Yoke of *Egyptian* Bondage, and so capable of being formed into a political Body or Common-wealth, God himself instituted an ordinary state of Magistracy, to continue in all their gates, *Deut.* 16. 18. (besides extraordinary Magistrates from time to time, as *Moses*, *Joshua*, *&c.*) and to the Supream Magistrates especially, was committed the Care of the right Administration of Religion and the Worship of God, as well as of Civil Justice between men; by which Examples God himself teacheth us not only the necessity and obligation of having a Magistracy over a Body of People, but also the office and duty whereunto it ought to be applied.

And tho' under the Gospel all the Kings and Governours of the World were in the first Ages of the Christian Church, and have been, for the most part, ever since Enemies to the Church, yet it doth not therefore follow, that because they have thus perverted their power, that it ought not to have been applied for the Churches good, under the Gospel; for we find that 'tis prophesied of Kings, and promised also to the Gospel-Church, that *Kings shall be her nursing-Fathers, and Queens her nursing-Mothers*, *Isa.* 49. 23. And this prediction and promise hath in it the force and obligation of a Command, upon all Kings and Magistrates in the World, not only to believe in Christ, but to become nursing-Fathers to the Church; which Expression cannot imply less in it, than to imploy their Power and Care, as Magistrates, to promote, succour, and defend the Church. Hence Kings are exhorted to *kiss the Son*, *Ps.* 2. 12. which is a token of Homage and Subjection to Christ, who is now *King of kings, and Lord of lords*, *Rev.* 19. 16. And *all Power in Heaven and Earth is given unto him*, *Mat.* 28. 18. And therefore some would have all Magistratical Power to be derived from Christ, as he is Mediator of the Church.

Moreover, if we consider how much good pious and godly Magistrates may do to the Church, it will from thence further appear, That Magistracy, under the Gospel, is for the good of the Church, as by promoting its Interest, preserving its Priviledges and Ordinances, suppressing Heresies, purging out Corruptions, opposing its Enemies, *&c.* Now we argue thus; that, If God hath made the Christian Magistrate, by his power and place in the World, capable of doing so much good for the Church, 'tis certain then, that

that he is morally obliged to do it, for that every person, in his Place and Calling, is, for the sake of the Church, to seek its Good. *Psal.* 122. 9. *Because of the house of the Lord our God, I will seek thy Good.*

Fourthly, The last Argument to prove, that 'tis the Duty of Magistrates under the Gospel, to promote and preserve True Religion, is drawn both from Scripture-precept and precedent.

As for Scripture-Precept, we find, that by the Law of God, Sins against Religion and Divine Worship, which respect the first Table commands, were to be severely punished by the Magistrate. Thus the Blasphemer was to be put to death, *Lev.* 24. 16. The false Prophet or Teacher, that would draw off any from the true Worship of God, or him or her that committed Idolatry, were to be put to death; *Deut.* 13. 9, 17. and the City that fell to Idolatry, was to be smitten with the edge of the Sword, *Deut.* 13. 15. Now the Magistrate bearing the Sword of Justice, and being the Avenger of God against evil doers, 'tis to be understood, that by his Authority and Direction this was to be done.

And for Scripture-Precedent, we find, that those that were godly Kings and Magistrates under the Old Testament, purged the Church from Idolatry, when corrupted, and restored the true Worship of God, caused both Priests and People to keep the Law of the Lord. Thus good *Hezekiah* suppresseth Idolatry, and setteth up the true Worship of God, 2 *Kings*, 18. 4. *Josias* did the like, and slew all the Priests of the high places, 2 *King.* 23. 20. *Jehu* destroyed all the Worshippers of *Baal*, 2 *King.* 10. 25. And King *Asa* with the people made a Law, That whosoever would not seek the Lord God of *Israel*, should be put to death, 2 *Chron.* 15. 13. And these are approv'd for so doing; whereas those Kings that took no care of Religion, but did either set up Idolatry, or did not suppress it, are branded for such as did evil in the sight of the Lord.

Object. But it will be objected, That what the Magistrate thus did under the Old Testament, for the Cause of Religion, was but the Execution of God's own Laws, which he was obliged to do, but that this is no Precedent for Christian Magistrates under the Gospel, because those Laws are now abrogated, and there are no new Laws prescribed by God under the Gospel, for the inflicting of any punishments, either pecuniary or corporal, for any Offences against Religion; and therefore the Magistrate hath no Authority to make Penal Laws for this end.

Answ.

Answ. Tho' it be granted, That the Gospel prescribes no punishments for Offences against Religion; and that the Judicial Law also, as it was peculiar to that Nation, so is not precisely binding on any Nation under the Gospel; yet it will not therefore follow, that Magistrates may not make *Penal Laws* for Offences against Religion: for then upon that ground he may not make Laws for Offences against Second-Table-Commands, as *Murther*, *Adultery*, *Theft*, *&c.* for the New Testament doth not prescribe any. And therefore, on this account, some have been so wild, to think that no corporal punishments should be inflicted under the Gospel, by Christian men.

But 'tis generally agreed by all, That the natural and moral part of the Law of *Moses*, (to wit) that which is founded on Reason and Moral Justice, is still obligatory on all Nations; and 'tis certain, that a great part of the Judicial Law is but an Exposition and Enforcement of the natural and moral Law of God: Hence most of the Penalties inflicted by that Law, for Offences against any of the Precepts of the moral Law, we may find that the reason and ground of the Penalty may in many things be drawn from the moral nature of the Crime, as well as from the Will of God prescribing the kind of Penalty. Now it cannot be denied, that where the reason and ground of the Penalty, for such and such Offences, is natural and moral, there those Penal Laws are so far still in force, that they remain on Record, both as Precedents and Engagements on all Nations, to make Laws in conformity to them. And surely, where we cannot so clearly see the reason of the penalty, yet where the Offence against the Law of God is the same there the Will of God imposing penalties, for such and such Offences against his Law, is the best Rule and Pattern for the Laws of all Magistrates in the world.

Now, If the Abolition of the *Jewish* Pedagogy, and their Civil State, for which these Penal Laws were more peculiarly adapted, doth not null the power of the Christian Magistrate, to make Penal Laws, for the Violation of Second-Table-Commands, as for *Murther*, *Whoredom*, *Theft*, *&c.* Why should it any more null his power to make Penal Laws, for the Violation of First-Table-Commands, as for *Idolatry*, *Superstition*, *Blasphemy*, *&c.* for the First-Table-Commands have still the precedent Obligation to the Second; and the Violation of them have the same moral Obliquity and Guilt as under the Law? Therefore Laws to punish those Sins, have the same

Reaſon and moral Juſtice in them as the other: Hence it will follow that Magiſtrates are under equal Obligations to impoſe ſuch Laws as the other.

Object. But it will be further objected, That Jeſus Chriſt hath only appointed, under the Goſpel, the Miniſtry of the Word (which is the Spiritual Sword) for the propagating and maintaining the Chriſtian Religion: And Men are invited to believe and embrace this Religion upon free Choice and Election, and upon principles of pure Conviction and Conſcience, and not compelled or forced to it by the power of the Sword; and that 'tis not agreeable to the Goſpel Diſpenſation, that the Chriſtian Religion ſhould be promoted by a Temporal power, or men puniſhed for diſobedience to it.

Anſw. For anſwer, this miſtake of denying the Authority of the Civil Magiſtrate in the matters of Religion, comes to paſs, by not diſtinguiſhing between thoſe two diſtinct Offices, *viz.* of the *Miniſtry*, and of the *Magiſtracy*; which are Offices of a different Order, that have each their peculiar Properties and Imployments, tho' both to the great and general end of the Glory of God, and alſo the Good of the Church: The Miniſterial Office is properly founded on Chriſts Commiſſion, as Mediator of the Church, to whom are committed the Keys of the Kingdom of Heaven, both of Doctrin and of Diſcipline; but the Office of the Magiſtracy is of another Order, and founded on God's Law, as he is Rector of the World, to whom is committed the Sword of Juſtice, and that not only between man and man, but between God and man. Magiſtracy therefore is not properly a Goſpel, but a moral Inſtitution. Now, as the Goſpel doth not abrogate, but on the contrary doth eſtabliſh the Obligations of the moral Law, *Rom.* 3. 13. ſo by conſequence it doth not null either the Office, or any part of the moral Duty of the Office of Magiſtracy, but on the contrary doth ratifie and confirm it, as it doth all other matters of moral Duty and Religion.

'Tis true alſo, that our Saviour only appointed the Miniſtry of the *Word* for the propagation of the Goſpel, for he came into the world in the quality of a Prophet and Miniſter, and ſo propagated his Religion, and in that Capacity commiſſionated and ſent forth his Apoſtles and Goſpel-Miniſters: He did not intermeddle with the Office of the Magiſtracy, but left that to ſtand on its own bottom, as founded on the Law and Ordinance of God; for tho' he were a King,

a King, yet his Kingdom were ſpiritual, and not of this world; and therefore as he took not the power of the Temporal Sword himſelf, (as he might have done upon Divine Right) ſo he gave no ſuch power to any of the Miniſterial Order.

And we find alſo that God Almighty, in whoſe power are the Hearts of Kings and Magiſtrates, did not uſe their Power and Authority for the promotion and advancement of the Chriſtian Religion, at the firſt; which he might have done, by effectually calling and converting them by his Grace, as well as others, and ſo inclining their Hearts to improve their Power and Office for his Glory, as was their Duty to do; but he did not, and that, no doubt, in great wiſdom, that ſo the Goſpel being propagated, by ſuch weak and contemptible Inſtruments as the Apoſtles were, without the concurrence of the Civil Power, yea and againſt ſuch great oppoſition from them, might be given to the world one of the moſt convincing Evidences that could be, of the truth of the Chriſtian Religion.

But it doth not follow thence, but that it was then the Duty of Magiſtrates, even when they were Enemies to Chriſt, both to believe in him, and to imploy their Power for the Advancement of God's True Religion and VVorſhip, for this they were morally oblig'd to do from the nature of their Office. And therefore Chriſt's imploying the Goſpel-miniſters in a Miniſterial way, doth not diſſolve thoſe Obligations that lie upon the Magiſtrate, by the moral Law of God, to take care for the Advancement and Security of True Religion; for ſeeing the Office of Magiſtracy is continued under the Goſpel, we need no New Teſtament-Precepts to inforce his Duty in this reſpect, which is incumbent on him, not immediately by any Goſpel-precept, but by a previous Obligation, antecedent to the Goſpel-Miniſtry, which is moral and perpetual, inherent in his very Office and Dignity; that having Authority from God, and being in his Stead in the world, ſhould imploy his power beſt for God's ſervice and glory.

And as the Magiſtrate is not diſoblig'd to promote and preſerve True Religion under the Goſpel, from the office of the Goſpel-Miniſtry, imployed to that end, neither is it diſagreeable with the Goſpel Diſpenſation, that he ſhould do ſo, more than formerly under the Law; for the difference between the Law and the Goſpel doth not lie in any of the moral Obligations of Religion, but chie-

fly in the Positive, and Typical, and Ceremonial part, which is now fulfilled by the Coming of Christ, and so done away: but the moral part is still the same, as under the *Old Testament*, and those few positive Doctrines and Institutions, that are peculiar to the Gospel, are all included in the moral Law; for the First-Table Commandments do comprehend all the Doctrines and Ordinances of the Gospel, and require belief of them, and obedience to them; and indeed, the moral Law doth comprehend the whole Duty of man, for it requireth Belief in whatsoever God shall reveal, and Obedience to whatsoever He shall command.

Now I argue thus; That if the whole Law of God be the Foundation and Rule of Laws and Magistracy, (as we noted before) then certainly the Magistrate is Keeper of both Tables of the Law, or else he is Keeper of neither. Hence it will then follow, that all the Gospel Institutions, thus included in the First-Table-Commands, are under the care of the Magistracy, as well as those Duties that respect the Second-Table-Commands.

Thus 'tis very clear, That the Magistrate under the Gospel is bound by the Law of God to imploy his power and care for true Religion, and the VVorship of God. And if so, then he ought, no doubt, to make Laws for the promotion and support of it, for that the power and office of Magistracy is exerted by Laws, to which Laws 'tis necessary that there be a Sanction of Penalties upon the Breach of them; for if the Magistrate have only a mandative and preceptive power in the matters of Religion, and not power to inflict Penalties for the Violation of Laws, he may be said to bear the Sword in vain in that respect. And 'tis necessary to Laws, that they be backed with Penalties, not only to further obedience, but also to maintain the honour of the Law, and the authority of the Magistrate.

But as to the Magistrates forcing persons to believe in Christ, this he cannot do, because Faith is an Act of the Understanding and the VVill; but where the Faith of Christ is not generally professed he may both require the Attendance of the Person on the publick preaching of the *Word*, and also prohibit and suppress all publick profession and practice of Idolatry and false Religion: But this is not the Case in such Governments, where all have taken up the profession of Christ and his true Religion, at least in the speculative and doctrinal part of it, and have vowed by Baptism to adhere to that Religion both in profession and practice. Also where some have

have taken on them the Miniſterial Function in the Church, and thereby have obliged themſelves to the Duties of the ſame. In theſe caſes, doubtleſs, the Chriſtian Magiſtrate may, according to the example of good Kings, under the Old Teſtament, require and cauſe by good Laws, both Miniſters and People to do their reſpective Duties in Religion, and impoſe penalties for defections or neglects agreeable to the merit of the fault; and for grievous Offences againſt Religion, as *Idolatry*, *Hereſie*, *Blaſphemy*, *&c.* when they are certain and apparent, may doubtleſs inflict corporal puniſhments, after the example of God's own Laws.

And that the infliction of corporal puniſhments for great Offences againſt Religion, is not diſagreeable with the Goſpel Diſpenſation, appears plainly by the Examples of St. *Peter*, *Act.* 5. 10. who uſing an extraordinary Authority, above that of the Miniſtry, did wonderfully put *Ananias* and *Saphira* to death, for *Sacrilege* and *Lying*; and *Paul* ſtrook *Elymas* the Sorcerer with Blindneſs for oppoſing the Goſpel, *Act.* 13. 11. which miraculous waies of puniſhments were accommodated to that preſent ſtate of the Church, in the want of Chriſtian Magiſtrates to ſuccour and defend it, who were then ſo far from maintaining the Intereſt of the Church, that they were the greateſt Enemies to it, and Perſecuters of it: But yet nevertheleſs thoſe Examples prove, that corporal puniſhments for great Offences againſt Religion, are conſiſtent with the Goſpel Diſpenſation.

Thus, I hope, I have ſufficiently proved the power and duty of the Magiſtrate under the Goſpel, to promote and maintain by Laws the *True Religion*, and ſo paſs on to the Second Queſtion.

QUEST. II.

Whether it be lawful for the Chriſtian Magiſtrate to give a general Toleration of all Religions; or, what Liberty in Religion he ought to allow.

Anſw. TO this I anſwer in the Negative, That he may not give a general Toleration of all Religions: But what hath been laid down and proved in Anſwer to the former Queſtion, may indeed ſerve for an Anſwer likewiſe in part both to this and the following Queſtions, which will be eaſily and plainly anſwered in the Negative, upon ſuppoſition of the Truth of the former Hypotheſis,

theſis, namely, That 'tis the Duty of the Magiſtrate to promote and maintain the True Religion: From thence it will follow, that he may neither give a general Toleration of all Religions, nor the Subjects Conſent to ſuch a Toleration, or to the repealing the Laws that eſtabliſh and preſerve the True Religion.

That he may not give a general Toleration of all Religions; I urge therefore,

Firſt, From the Inconſiſtency of giving ſuch a Toleration with his Duty to promote and maintain the True Religion, for thence it will follow, that he ought not (willingly at leaſt) to tolerate any but the True Religion; and that he ought alſo to endeavour by all expedient and lawful means, to ſuppreſs and exterminate all Idolatry & Falſe Religion. And tho' (as we noted before) the Magiſtrate cannot force any without the Viſible Church to believe in Chriſt, yet no doubt 'tis his Duty, where the True Religion is not generally known and profeſt, not only to provide that the Ignorant and Erroneous People may be well inſtructed in the True Religion, but alſo to prohibit and ſuppreſs the publick Profeſſion and Practice of Idolatry, Hereſie, Blaſphemy, and ſuch-like, as being ſo repugnant and prejudicial to the True Religion, which he is obliged to promote and maintain: But to give a Toleration of theſe, and of all Religions whatſoever, is ſo far from ſuppreſſing it, that 'tis not only an Allowance of it, but a kind of ſetting it up.

Secondly, It may be further proved Unlawful, from the Command of God on the Magiſtracy of the Old Teſtament, to ſuppreſs all falſe Prophets, Teachers, and Idolaters, *Deut.* 13. 2, 6, 10.

Thirdly, From the Example of all good Kings and Magiſtrates, that did ſo, and are approved for ſo doing.

And, *Laſtly*, From the great injury and hurt that the Cauſe of True Religion and the Church of God is like to receive by ſuch a Toleration, by giving occaſion to Satan by falſe Teachers, to infeſt the Church with the Seeds of Falſe Doctrines, and to corrupt the pure Worſhip of God, with Idolatry and Superſtition; which the Chriſtian Magiſtrate, as a Watchman over the Church, ſhould labour to prevent.

This, in ſhort, might ſerve ſufficiently to demonſtrate the unreaſonableneſs and great impiety of ſuch a Toleration, but becauſe a general Toleration under the ſpecious pretence of Liberty of Conſcience, hath been, and is a matter ſo vehemently argued for by many,

ny, I ſhall a little enquire into the nature and ground of this *Liberty of Conſcience* pleaded for, by which I preſume, moſt underſtand nothing elſe, but an Exemption from the Obligation of all humane Laws in the matters of Religion; therefore I ſhall in the firſt place examine thoſe Grounds, upon which ſuch a Liberty of Conſcience ſeems to be claimed and pleaded for, which being found rotten and unſound, ſuch a Toleration will then further appear unlawful to be given by the Chriſtian Magiſtrate. And then, Secondly, I ſhall further examin what that lawful Liberty is in the matters of Religion, which of Divine Right ought to be allowed by the Magiſtrate to every Chriſtian.

Firſt, Concerning ſuch a Liberty of Conſcience as is oppoſed to all human Laws, in matters of Religion, I ſhall enquire into theſe things.

Firſt, What Obligation of humane Laws there is upon the Conſcience in the things of Religion.

Secondly, Whether an Erroneous Conſcience do exempt from the Obligation of Juſt Laws.

Thirdly, Whether the conſideration of an Erroneous Conſcience, under the infliction of a Penalty on ſuch a Perſon to be Unjuſt: Of theſe very briefly.

Firſt, As to the Obligation of humane Laws upon the Conſcience, we acknowledge, that 'tis only the Law of God, that doth immediately bind the Conſcience, becauſe the Conſcience is only ſubject to God, and under his Authority alone; the Magiſtrate hath only power over the Body and outward practice, but yet nevertheleſs the Conſcience is bound by the Law of God to obey all lawful and juſt Commands of the Magiſtrate. Now thoſe Laws of the Magiſtrate about Religion, that are but the Inforcement of God's own Commands and Inſtitutions, have a double Obligation upon the Conſcience, both by Vertue of the immediate Divine Authority appointing them, as alſo from the Command of God requiring Obedience to humane Authority chiefly in ſuch things.

Secondly, Neither doth an Erroneous Conſcience exempt from the Obligation of Juſt Laws; for tho' every man have a Judgment of private diſcretion in and about what he ought to do in Religion: yet if he judge erroneouſly of what is juſtly required by Laws to be done, his Judgment and erroneous Conſcience therein, doth not exempt him from the Obligation of thoſe Commands; for tho'

'tis

'tis true, that he sins in acting against an erroneous Conscience, yet he ought to lay it down, and then to act; and if it be a necessary Duty, he sins if he do not.

Thirdly, Neither will the infliction of a Penalty be unjust, that is laid on a Person, for doing or omitting that which he is led to by an erroneous Conscience: This is the grand mistake about *Liberty of Conscience*, that because every man hath a liberty to judge for himself, what he ought to do in Religion, that therefore, if he judge erroneously, yet he ought to be tolerated in so doing; No, he ought to lay down his erroneous Conscience, or else, as he sins, so he justly suffers from Authority in following the Dictates of it: But, that he sins in following an erroneous Conscience, I think no one of sense will deny; for if it be lawful for a man to act in Religion, according to the Dictates of his own Conscience, when 'tis erroneous, then 'tis lawful for him to commit *Idolatry*, speak *Blasphemy*, &c. if his Conscience lead him to it. Therefore, if the Plea of an erroneous Conscience will not free a Man from the Guilt of those Sins that he is led into by it, then certainly it will not exempt a Man from the Just Obligation of Punishment, from the Magistrate, for those Sins, who is the Avenger of God against all evil Doers: And the Magistrate doth offer no Violence to Conscience, by either requiring Obedience, or exacting the Penalties for Disobedience to Just and Righteous Commands; for if Mens erroneous Consciences will not suffer them to Obey, 'tis no force upon Conscience for the outward Man to bear the Penalty.

But besides, If such a *Liberty of Conscience* be due to every man, as shall exempt him from the Obligation of all humane Laws in the matters of Religion, it will then follow, that the Magistrate hath no Authority in the matters of *Religion*, and so it will null the chiefest part of his Office; for where there is no Obligation to Obedience, there can be no Authority to Command, those being Correlatives, and cannot be one without the other.

But to conclude this particular, If it be so as we have proved, that the Conscience be bound by such humane Laws, the matter of which is the Inforcement of God's own Commands and Institutions, and that if an erroneous Conscience doth not exempt a Man from the Obligation of such Laws, nor render the Penalty inflicted for breaking of them to be Unjust, then certainly there is no such *Liberty of Conscience* as an Exemption from all humane Laws about Religion

ligion due to any Christian, and therefore ought not to be granted by the Christian Magistrate.

Secondly, I proceed now to the second thing proposed, to wit, What that lawful Liberty is in the matters of Religion, which of Divine Right ought to be Allowed by the Magistrate; for tho' we have asserted and proved the Duty and Power of the Magistrate, to make Laws for the promotion and maintenance of True Religion, yet we may not think that the Magistrate can by Laws intrench upon any of the Rights, Liberties, and Priviledges, which of Divine Right do belong to the Christian Religion, which he is obliged to maintain every Christian in the Enjoyment of: Or, That any humane Power hath such an exorbitant and unlimited Authority of imposing Rights and Ceremonies on the Church as they think good; which Principle hath been the ground of so many Corruptions imposed in the Church of *Rome*; and indeed upon which Principle may be brought upon the Christian Religion, by the restraint of *Liberty* in indifferent things, and the Imposition of Ceremonies, a greater Yoke and Burthen than was imposed by God's own Law. But we may not think that God hath now freed the *Christian Religion* under the Gospel, from the Bondage of his own Ceremonies, and yet left them under a humane Power to impose what they think good.

But we desire, that what is said on this Subject by way of Argumentation, may not be interpreted a prescribing to Authority, or limiting their Power; and therefore we humbly conceive, that the Magistrate hath Power in the matters of Religion, to impose nothing but that which is lawful, certain, and necessary. Hence then he may not injoyn in Religion things that are

Either, { 1. *Sinful.* 2. *Doubtful.* 3. *Meerly Indifferent.*

First, Not *things Sinful*: This, I think, will be acknowledged by all, That no humane Power can lawfully require to be done that which is in it self *sinful*. And if any such Laws are made, they must necessarily be void in themselves, as to any Obligation to Obedience, having not the proper matter of Laws, which must alwaies be some useful Good.

Secondly, Not things *Doubtful* and Uncertain in Religion; and such things we call *Doubtful* and Uncertain, that really in themselves and in the Judgment of many learned and good Men, have no apparent Foundation in the Word of God; for the Magistrate can make

Laws in the matters of Religion, only of such things as Christ hath commanded, and to do them decently and orderly, because there is but one Legislator and Law-giver in and over the Church, *Christ Jesus*, *Jam.* 4. 18. And humane Authority hath no proper Dictatory or Legislative Power, but only a Ministratory and Directive one, in the things of Religion; therefore whatever the Magistrate commands in Religion, must be the observation of the Laws of Christ in the Church, and not his own Laws: for the state of the Church is not like a Civil Body, that humane Laws are the constitutive form of it; but the Church and all its Laws, Priviledges, and Liberties, are all founded on the Word of God. Thus, as under the Law, all that Power which the Magistrate then had about Religion, was directed and limitted by the Word of God, those things which God had instituted and appointed in his Worship to be done, he was to take care for the due observation of it, but was not to add thereto, nor diminish from it, *Deut.* 12. 32. So under the Gospel, all the Power of Magistrates in the matters of Religion, is in such things as are plainly prescribed in the Word of God, or by evident consequence deducible from it; and what is not so, may be called a thing *Doubtful* and Uncertain at the best, and therefore should not be inforced by Laws.

Thirdly, Nor in things *meerly Indifferent*: By things *indifferent*, I mean things not necessary, nor required by any Divine Law. Now there is a two-fold necessity of things, the one Natural and Intrinsical, the other Circumstantial or Accidental only; and of *Indifferent* things, I call that so, that is Intrinsical and in its own nature *Indifferent*, yet such indifferent things by reason of circumstances about necessary things, or by Accident, may become either inexpedient, and also scandalous, and so unlawful, or they may become expedient, and so circumstantially necessary. Now that, in Religion, that intrinsically and in its own nature is necessary, or else is necessary, by reason of Circumstance or Accident, is the only proper matter of Laws; & what is not such, I call a thing *meerly Indifferent*.

Now such things should not be put into Laws that are either, 1. *Meerly Indifferent*, 2. Much less when such indifferent things become inexpedient; and, 3. Least of all, when they become scandalous.

First, Such things about Religion that are in their own nature indifferent, and have no Circumstantial necessity attending it that requires a Restraint, is that wherein Christians ought to have their liberty,

liberty, and not to be reſtrained by Laws: becauſe if Authority can reſtrain Chriſtian Liberty, further than in things neceſſary, barely upon their own Authority and Will; they may upon the ſame Foundation take off all liberty in things indifferent. But this they cannot do juſtly, without wrong, becauſe liberty in things indifferent is a Branch of that Chriſtian Liberty we have by the Goſpel, and is an Appendix to the very Eſſence of the Chriſtian Religion, *Gal.* 5. 1. 1 *Cor.* 10. 23. Now, as the Magiſtrate cannot juſtly deprive any Man of any of his Civil Rights and Properties, without juſt reaſon and cauſe; much leſs may he deprive us of any of our religious Rights and Priviledges, without a juſt and neceſſary cauſe; and liberty in things indifferent, being one of theſe Rights, we ought therefore to be preſerved in the enjoyment of it, and not to be brought under a reſtraint therein, ſaith the Apoſtle, 1 *Cor.* 6. 12. *All things are lawful for me, but I will not be brought under the power of any thing*; by *all things*, he means things indifferent and lawful only, and not neceſſary, yet would not be brought under the power of any of theſe. Which proves, that no Chriſtian ſhould be brought by Laws, under a power either of doing or not doing things in their own nature and uſe only indifferent and lawful: And the Scripture in divers places aſſerts the liberty of Chriſtians in things indifferent, 1 *Cor.* 10. 23. *Rom.* 14. 3, 5. And we ſee alſo that our Saviour vindicated his Diſciples, in uſing their liberty in the forbearance of a thing in its own nature indifferent, tho' injoined by Authority, *Mat.* 15. which proves alſo, that Authority, as it may not impoſe things meerly indifferent, ſo cannot make them neceſſary when impoſed. And indeed, if it had been lawful to reſtrain Chriſtians of their liberty in things indifferent, how eaſie had it been for the Apoſtle *Paul* to have ſilenc'd all Diſputes about the obſervation of Meats and Days, and ſuchlike indifferent things, by determinining the practice of Chriſtians in thoſe things on one ſide or other, by ſome Law or Canon, and by directing the Church in after-times in the like caſes, to make Laws in order to heal and take off ſuch Differences; but becauſe he did not, but on the contrary doth ſo frequently aſſert the liberty of every Chriſtian in things indifferent, to uſe with prudence and charity; it follows therefore, that ſuch Laws ſhould not be made, which violate and infringe Chriſtian Liberty.

Secondly, But much leſs may indifferent things be impoſed, when they become inexpedient; which they do in Religion, when they are unprofitable, and tend not to Edification. Thus the Apoſtle,

1 *Cor.* 10. 23. *All things are lawful for me, but all things are not expedient: all things are lawful for me, but all things edifie not.* Where the latter Clause expounds the former; such lawful things as do not edifie, are not expedient, and therefore not to be put into Laws, because all humane Authority, in the matters of Religion, is only for edification, 2 *Cor.* 10. 8. 13. 10. therefore such Constitutions about Religion cease to oblige, when they cease to edifie, because the Obligation to obey in the things of Religion, can extend no farther than the Authority to command; which we see is only things for edification.

Thirdly, Least of all should indifferent things be imposed, when they become scandalous, for then the use of them becomes in most cases unlawful and sinful, and therefore much more unlawful to be imposed by Laws. And indeed, this is the great reason why Indifferent things should rarely be imposed by Laws, because Scandal is so apt to rise out of the use of Indifferent things; and therefore we are to use our liberty, or to deny it, according as such or such circumstances require, for the avoiding of Scandal; for we may not do a thing meerly Indifferent, to the Scandal of our Brother, saith the Apostle, 1 *Cor.* 8. 13. *If Meat make my Brother to offend, I will eat no Flesh while the world stands, lest I make my Brother to offend.*

Authority therefore cannot justly command such an indifferent thing to be done, when 'tis apparent thereby Scandal will follow, for this will be to make void the Commandments of God by the Commands of Men; the Command of God is, *Give no offence*, 1 *Cor.* 10. 32. and this Command of God is Obligatory on Rulers, in making Laws in Indifferent things; as well as on private Christians, in their practice towards each other. If Rulers therefore command such an Indifferent thing to be done, which cannot be done by many without a doubting Conscience, they do in effect command that which is evil, *Rom.* 14. 23. *He that doubteth, is damned if he eat*; and yet this was but in an indifferent thing: If Authority had then commanded him to eat, (and so in the like case) it had been to command a Scandal, and so unlawful. 'Tis true, if it be a necessary Duty by a Divine Law, that is commanded by Authority, there if Scandal follow, 'tis Scandal taken, and not given, and the fault is wholly in him that takes the Offence; but if it be an unnecessary Indifferent thing, 'tis Scandal given by the Authority that imposeth it.

And also hereby they not only give Scandal to the Doubting, but oblige all others, as much as they can, by the practice of such Indifferences

differences, to give Scandal also; for to say, that humane Authority makes an indifferent thing, that in it self hath no necessary use, to become necessary, in the case of Scandal, is to make the Laws of Men to supersede the Law of God; No certainly, if the thing were really scandalous, antecedent to the command, or the use of it would be so, were it not commanded, there no humane Authority can put such a necessity into an indifferent thing, as to make it necessary to be done when Scandal follows; because the Obligation to avoid Scandal in indifferent things, being a moral Duty, will supersede any Obligation, that results from the Command of Authority in such indifferent things: for this is but a meer Ritual, and Rituals must give place to Morals.

Thus we see that such Indifferent things being unnecessary in *Religion*, much more, if inexpedient and scandalous, ought not to be imposed by Laws. But yet we do not hereby plead for such a Liberty in Religion, as is opposed to things in Religion, either necessary in their own nature, or necessary by reason of some circumstances. And thus Indifferent things, that serve for the ordering the Worship of God in decent and comely manner, according to the Apostle's Rule, 1 *Cor.* 14. are so far lawful to be imposed, as they are expedient and necessary to those ends; for all the Power of humane Authority in the matters of Religion, besides imposing what God hath commanded in his Word, is only in ordering what God has so commanded to be done in decent and comely manner, and to edification: and as such things appertaining to God's Worship are necessary in their general nature, as *Time*, *Place*, *&c.* so in their Particulars, when they are indifferent in their own nature, yet do, by reason of Circumstances and Accidents, become necessary to be determined, they then lose their nature of Indifferences, and become necessary, antecedent to any Imposition of them by Authority.

But yet nevertheless, the determination of such Indifferent things should not be imposed by Laws in the case of Scandal, unless in these Cases, *viz.* 1. Unless the necessity of imposing them be great, apparent, and certain, and not pretended only. 2. Unless the Good that is brought to Religion by the imposition of Indifferent things, be not greater than the Evil of Scandal it brings with it. 3. And unless the Good End they are necessary for, cannot be by some other means so well attained, without so great a scandal: But where is no such necessary Good, or but little, comparative to the Evil of Scandal; or if the Good End designed may be by other means attained, without

without ſo great Scandal, there certainly in reaſon Scandal ſhould be avoided, becauſe 't s ſo great an Evil, and ſo much condemned in the Word of God, in the uſe of indifferent things.

Obj. But that which is uſually objected againſt liberty in Indifferent things, is the Judgment of Authority, ſeeing them neceſſary; for, ſay they, *Who ſhall judge of what is neceſſary in Religion, to be impoſed by Laws, but Rulers themſelves?* For if a liberty be allowed to the People, to judge of the lawfulneſs or neceſſity of what is commanded, and accordingly to obey or not obey, as they judge of them; this will overthrow all Government.

Anſw. The Magiſtrate hath a publick Authoritative Judgment in what they are to require, and the People have a private Judgment of Diſcretion in what they are to do and obey; and tho' both theſe may be abuſed, yet both may very well ſtand together, without either overthrowing the Authority of Government, or diſſolving the Obligation to Obedience; but very ill conſequences will follow on denying either; for if we deny the Judgment of Authority to command, this indeed is to overthrow all Humane Power to command in the matters of Religion; and to deny the Peoples Judgment of private Diſcretion, is both to take off the uſe of their Reaſon, and to lay upon them a neceſſity of ſinning; for if only the Judgment and Will of Authority be the Rule of Laws, or the Obligation to Obedience, it will then follow, that we are bound to obey whatever they command, tho' ſinful, if they judge it not ſo: But as the Magiſtrate's authoritative Judgment doth not bind to Obedience, when he judgeth erroneouſly in that which is required, ſo the Peoples Judgment of private diſcretion doth not diſoblige them from Obedience, nor render them inculpable when they judg erroneouſly of what is required: Therefore each party, both Ruler and Subject, ſhould be very careful to judge aright, namely, the Ruler, in judging nothing fit to be commanded in Religion, but what is evidently lawful and neceſſary, and then their Commands are binding: And the Subjects ſhould be very careful, not to judge erroneouſly of the Commands of Authority, for then they juſtly ſuffer for Diſobedience. Each party indeed muſt judge for ſo much as concerns themſelves and their own Duty, both *Authority* in commanding, and the *People* in obeying; but the Judgment of neither doth change the nature of the things themſelves, ſo as to make that lawful and neceſſary, or unlawful and not neceſſary, that are not really ſo in themſelves.

But

But we find, that this Argument of enforcing Obedience in the matters of Religion, meerly from the Judgment of *Authority*, is never made use of, but when men want sufficient force of Argument from the matter of the things themselves, then they flee to the Judgment and Obligation of *Authority*-commanding, which indeed will equally hold in *Popery* it self, upon supposition, that the *Authority*, either Civil or Ecclesiastical, be a lawful *Authority* that commands.

But this Objection is of no force in such things, wherein 'tis acknowledg'd, That there is no necessity in the nature of the things themselves, why they should be imposed; besides the will of Authority commanding it, there the obligation to Obedience is urged meerly from the will of Authority requiring it, and not their Judgment of the necessary usefulness of such things. But what force and obligation the meer will of Authority hath in the matters of Religion, without sound Reason from the Matter required, we shall have occasion to say somewhat unto under the next Question.

Thus I have endeavoured with all possible Brevity to demonstrate what that lawful Liberty in the Matters of Religion is, which the Christian Magistrate should justly allow to every man: but to allow an unlimited Toleration in the practice of Religion, is to run into the contrary Extream, of imposing unnecessary and doubtful things; and 'tis to be supposed, that much of that mistake that hath been about a Toleration, hath come to pass, by not duly considering this Golden Mean of *Liberty* only in unnecessary things in Religion, between the two Extreams of unnecessary Impositions, and an unlimited Toleration; but as the former is bad, being against Christian Liberty and Charity, yet the latter is much worse, because it tends to subvert the *Christian Faith*, and to overthrow all Government in the Matters of Religion.

QUEST. III.

Whether it be lawful for Subjects to give their Actual Consent to a general Toleration.

Answ. TO which I answer in the Negative, That they may not. And indeed there will be occasion to say but little in answer to this Question; for having before proved, in Answer to the foregoing Question, That the Magistrate *may not* lawfully allow such a Toleration; it will thence follow, That the Subject may not consent to it, for by consenting to that which is unlawfully done by others, we become partly Guilty of the Evil so done.

But

But yet it may be proper for us under this Queſtion, to enquire, Whether it may come under the Charge of an Aſſent to ſuch a Toleration, to practiſe ſome Liberty in the Exerciſe of Religion that is reſtrained by Laws, when 'tis allowed by ſuch a Toleration.

I ſhall anſwer this in theſe Three Particulars:

1. That ſuch a liberty in Religion, as conſiſts only in an Exemption from the Obligation of things in their own nature unneceſſary, doubtful, or ſcandalous, may lawfully be practiſed, though the ſame be reſtrained by Laws.

2. That there is no Scandal given by the practice of ſuch a Liberty.

3. Nor any Aſſent thereby to a general Toleration.

1. That ſuch a Liberty in Religion as conſiſts only in an exemption or omiſſion of things in their own nature unneceſſary, doubtful, or ſcandalous, may lawfully be practiſed, tho' the ſame be reſtrained by Laws, becauſe the matter of ſuch Laws cannot be Obligatory upon the Conſcience, by vertue of any Law of God, there being no Divine Law upon which to bottom & authorize ſuch Laws, which is neceſſary in all Laws about Religion, as we have before noted. And wherein there is no Authority to require, therein can be no obligation from the Command to obey, and the meer will of Authority can lay no Obligation in the matters of Religion; but much more when any humane Laws about Indifferent things do interfere with the Law of God, of avoiding Scandal in ſuch Indifferent things, there certainly ſuch Laws do loſe their force and obligation, becauſe the obligation from humane Authority ceaſeth, and becomes void, when a previous and greater obligation to the Law of God is to take place: by which we are obliged not to do that about Religion, which being in it ſelf not neceſſary, is in its uſe ſcandalous to many. And indeed, ſuch Laws that enforce the obſervation of ſuch things, doubtful and ſcandalous in Religion, ſeem to loſe the force of Laws, and to be void in themſelves, having not the proper Matter, nor anſwering the end of Law; and therefore a liberty in omitting ſuch things, tho' injoined by Laws, is lawful to be practiſed.

2. And that there is no Scandal given by the practice of ſuch a Liberty; for it may be ſaid, That tho' there be no obligation, either from the matter of the things required, or from Authority requiring it, to uſe ſome Indifferent things; yet they being Indifferent, we are bound to uſe them, to avoid Scandal to Authority, and to others that will be ſcandalized by our omitting them. And therefore upon this ground divers learned Conformiſts have thought it lawful to omit the Ceremonies injoined by *Laws*, when Scandal doth not follow, being neither neceſſary in themſelves, nor from the Command of Authority,

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any further than in the case of Scandal. Here we may observe, That such as esteem such things not meerly Indifferent, but Doubtful in themselves, if not Unlawful, cannot be obliged to use them to avoid Scandal to others: But if they are but *meerly Indifferent* in their own nature, yet proving *Scandalous* to many, and upon supposition of the Truth of what we have proved, that there is no Obligation from Authority in such Indifferent things when they become scandalous, it will then follow, that there can be no scandal given by omitting them; tho' Scandal be taken, or tho' in the use of an unnecessary thing in Religion we really give Scandal, yet by the omission of it is now given, tho' Scandal may be taken thereupon: because Scandal given, ariseth either out of the omission of something necessary to be done, or doing something either unlawful, or unnecessary tho' lawful. Now, if the Command of Authority doth not make that in Religion not necessary in it self, to become necessary when Scandal follows, as we have proved it cannot do, then certainly no Scandal is given by omitting such unnecessary things. For this we have a parallel Instance, in our Saviour's justifying his Disciples in omitting a lawful, but an unnecessary Ceremony, tho' injoined by lawful Authority; notwithstanding the *Pharisees* were scandalized by it, namely, in omitting to wash before Meat, *Mat.* 15. 13.

Therefore it being thus lawful and necessary, to omit such indifferent things in Religion as are doubtful and scandalous, but yet also necessary to do and perform the essential and necessary parts of Divine Worship, the Practice of Christians then, in keeping to all the necessary part of Protestant Doctrin and Worship, omitting only that which is in it self unnecessary, and in its use doubtful and scandalous, cannot justly be condemned as unlawful or scandalous; for herein they do but save and improve their own Right and Liberty, which they have by vertue of the Divine Law, without respect to the obligation of such Laws, as either restrain to necessary Duty, or require an unnecessary Ceremony: So that the doing of a necessary Duty, and the omitting an unnecessary Circumstance, doth not render a man culpable of giving Scandal, the scandal may perhaps be taken, or follow thereupon.

3. Hence it follows, that this Liberty of the Religious is no practical Assent to a general Toleration; for there being nothing in this practice granted thereby, but what was an original Right, antecedent and without respect to such a Toleration, it cannot follow, that Christians thus using their liberty in the exercise of all the Essentials of the *Protestant Religion*, omitting only such things, *scandalous* and *doubtful*, cannot be said to give any practical or tacit consent to the lawfulness of a general

neral Toleration of all Religions, because the ground and reason of the Exercise of this Liberty is not founded on the Toleration, but both on the lawfulness and obligation of the Duty so to practise, without respect to such a Toleration.

Much less is it any practical Assent to a supposed power in the Supream Magistrate, to dispense with such Laws as are of known use and necessity, to the support of the Fundamentals both of the Civil Government and the *Protestant Religion*: for tho' we should grant, that the Supream Magistrate may dispense with the observation of things *indifferent* and *doubtful* in Religion, tho' injoined by Laws, as well as from the Penalties imposed for omitting them, and that when the supream Law of Piety and Charity require it; it will not follow thence, that he may dispence with all Laws that require both the profession and practice of True Religion in the Essentials of Doctrin and Worship, and that prohibit *Idolatry* and *False Religion*, and give a general Toleration of all Religions. I hope that all true Protestants, that accept their liberty only in an exemption from such things *indifferent* and *doubtful* in Religion, do utterly disown the lawfulness of such a Toleration, or of any such power in the Supream Magistrate, to dispence with the Laws: those that through Ignorance or Errour have professed any actual Consent to it, are much to be pitied and blamed.

QUEST. IV.

Whether it be lawful for Subjects to Consent to the Repealing those Laws, that Establish and Preserve the True Christian Religion.

Answ. I Answer, That they may not; but that which hath been proved under the foregoing Questions, hath anticipated much of that might be said in Answer to this; for the force of this Question lieth its strength, upon supposition of the Truth of the former Hypotheses, and needs little to be said in Answer to it; for 'tis easie to see, that if it be the Magistrate's Duty, and so especially the Duty of the Legislative Power to maintain the True Religion, 'tis then their Duty to maintain those Laws, that both establish, and are necessary to the maintenance of it, because the Magistrate's Office and Power is exerced by Laws.

Now those Laws are either such as require the profession & practice of the True Religion, or such as prohibit and punish the profession and exercise of False Religion; neither of which may be lawfully repealed, unless better Laws for the Security and Establishment of True Religion be first provided; for by repealing the Laws that establish the pro-

profession and exercise of the True Religion, the Magistrate disclaimeth his care and regard for the Church of God, and so frustrates and makes void one of the special ends of his Office, and likewise betrays the Cause of Religion to the Rapine and Violence of its open and professed Enemies.

And then also the repealing the Laws that prohibit False Religion and Idolatry, is not only an Allowance of it, but a constructive setting it up, at least becoming partly guilty of it. Hence is that Rule in Morality, *Cujus manu est ne quid fiat, ei deputatur cum jam fit: In whose hand and power it is, that an Evil Act be not done, to them 'tis imputed if it be done.* And this Rule doth most properly respect Magistrates, and those that have Power over others; who are truly said to be guilty of that Evil, which they are able by good Laws to prevent, and do not. And therefore, that Magistrates ought to prohibit, at least the publick profession and exercise of Idolatry and False Religion, was, no doubt, the ground of those good Laws which prohibit the same, which our Forefathers, with so much zeal for the Truth of the Protestant Religion, obtained against Popery and Idolatry: But with what zeal for, or security unto the Protestant Religion, they may now be repealed, I do not understand.

If then it be not morally lawful for the Legislative Power to repeal those Laws that establish and preserve the Protestant Religion, I need not then further prove, that it is not lawful for the People to consent thereunto; which will thence follow. But I shall conclude all by making some short Answer to Three of these Arguments, which I judg are the most specious that are urged for repealing the Penal Laws; and those also are of so little weight, that there need little to be said in answer to them.

First, 'Tis said, That the Penal Laws made against *Popery* have been perverted from their proper end and use against *Papists*, to oppress and persecute *Protestants*, for Dissenting only in matters of Circumstance and Ceremony in Religion.

Answ. But this is not the fault of the Laws, but of those that had the executive Power, and was so done (as now appears plainly) to serve the Design of *Popery*, then carrying on: But tho' the Penal Laws have been so perverted, yet seeing it appears, that they are of such necessary use, for the Security of the Protestant Religion against Popery, they may not for that reason be repealed. But as for those Laws that impose Penalties on Protestants, adhering to all the essential and necessary parts of Protestant Doctrin and Worship, but upon scruple of Conscience, dissent in some Matters of Circumstance and Ceremony

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in Religion, which to them are doubtful and uncertain; But to be hoped, that the Wisdom, Piety, and Charity of another Parliament may either give a greater latitude in the terms of Church-Communion, amongst all Protestants, or abate the rigour of those Laws, that impose Penalties for Nonconformity only in such matters.

Secondly, 'Tis further alledg'd by some, That there are some Abuses and Corruptions in Religion, still remaining in the Church of *England*; and that all those Penal Laws establish and confirm them, and require full Conformity to them, as to the essential part of Religion, upon pain of Penalties annexed to those Laws, and that therefore they should be repealed for the sake of those Abuses.

Answ. That we suppose there are Abuses and Corruptions about the Circumstances of Religion, confirmed by the same Laws, whereby the substantial and necessary part is confirmed; yet it will not follow therefore, that for the sake of those Abuses, those Laws should be made void, that confirm the essential part, unless (as we said before) better Laws could first be obtained, that might at least so well Secure the essential part, because a lesser Evil is to be chosen, to wit, the burthen of those Abuses, rather than a greater, namely, The Overthrow of the whole Frame of the *Protestant Religion*, and the Restauration of *Popery*. Therefore where a less necessary Good cannot yet be attained unto, there the most necessary Good already attained must be preserved.

Thirdly, 'Tis further objected, That those Laws never did, nor never will answer their End, of bringing all Persons into an Uniformity in Religion, for which they are intended. And this is the main Reason given by some for Repealing them.

Answ. To which may be answered, That the same is objected by *Papists* against the Scriptures themselves, of being the Rule of Faith, that they never answered their End of reconciling Differences in Religion. And indeed, upon as good grounds it may be said of the Law of God, That it is not the Rule of Life, because it doth not attain its End of being such, for that all Men will not be ruled by it.

But for further Answer, Those Laws have attained their End so far hitherto, as to support and maintain the essential and necessary parts of Protestant Doctrin and Worship, against the prevalency of *Popery*, for which end most of the Penal Laws are especially intended; but that they have not also attained their end of procuring Unity and Uniformity in lesser matters, relating to Modes and Ceremonies in Divine Worship, hath been doubtless the too much overdoing, by the Imposition of such things unnecessary and doubtful in Religion; which will perpetuate Divisions to the World's end, whilst they are made necessary Conditions of Communion amongst Protestants.

But alas, either Unity, or Diversity of Opinion and Practice in such matters as these are, is not of that moment and concernment that some men imagine, that lay so much stress and weight upon things of Ceremony and Circumstance, and so little value the substantial and Great things of Religion. The principal Bond of Christian Unity is an Unity in the profession and practice of the Protestant Faith, to the preservation of which, those Laws are especially to be esteemed as useful; and therefore should not be repealed, unless better Laws, conducing more effectually to those great ends of Religion, can be made and provided.

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